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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,444	07/12/2004	Robert M. Schmidt	04925 (LC 0160 PUS)	4443
36014	7590	07/28/2006	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			SCHRODE, WILLIAM THOMAS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/710,444	Applicant(s) SCHMIDT ET AL.	
	Examiner William Schrode	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5-7, 11, 15 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 12-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/17/06 & 7/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is response to amendments filed on 5/15/06. Claims 1-4, 8-10, 12-14, 16-19 are pending. Claims 5-7, 11, 15 and 20 are withdrawn.

Election/Restrictions

Claims 5-7, 11, 15 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected I (Fig. 1-3 and 6), species II (Fig. 1-3 and 7), IV (Fig. 1, 4-5 and 7), there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/28/06.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8-9, 12-13 and 16-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Takata (2004/0183655) in view Geil et al (6,181,024). In regard to claim 1, 12 and 16, Takata teaches a mechanical door handle switch assembly integrated within a door of a vehicle and utilized for actuating a vehicle-based system, comprising: a controller (i.e. vehicle mounted unit, paragraph [0026]); a portable transponder (i.e. the portable unit, paragraph [0026]) carried by a user and utilized for communicating with said vehicle based transponder; a switch device (5) coupled to controller, said switch device for actuating said controller a challenge signal to said portable transponder; a drive mechanism (4) engaging the switch device for closing the

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switch device, a door handle (1) coupled to the door for actuation by a user; said door handle being movable in a substantially outboard direction by a predetermined distance (O-A-B) including a switch-triggering distance (O-A) and an unlatching distance (A-B) that is greater than and inclusive of said switch-triggering distance (As shown in Fig. 1B), said switch-triggering distance for triggering said switch device and actuating said controller for determining whether said user is authorized to enter the vehicle, said unlatching distance for providing access to the vehicle; a locking mechanism (i.e. door locking mechanism, paragraph [0026]) coupled to and actuated by the controller, said locking mechanism for unlocking said door when said controller determines that said user is an authorized entity and before said door handle has moved by said unlatching distance.

Takata fails to teach the mechanical door handle switch assembly including a vehicle-based transceiver, the vehicle-based transceiver coupled to said controller; a switch device (5) coupled to one of said controller and said vehicle-based transceiver, and the switch device for actuating said vehicle-based transceiver to transmit a challenge signal to said portable transponder; and a damping mechanism coupled to one of said door handle and said drive train mechanism for slowing movement of one of said door handle and said drive train mechanism.

Geil shows that is known to construct a device for unlocking a door including a switch (2) coupled to one of a controller (4) and a vehicle-based transceiver (3), and the switch device for actuating said vehicle-based transceiver to transmit a challenge signal to said portable transponder; and a damping mechanism (column 2, Lines 4-6) coupled

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to one of said door handle and said drive train mechanism for slowing movement of one of said door handle and said drive train mechanism. It would have been obvious to one having skilled in the art at the time of the invention to modify Takata's handle lock as taught by Geil, since Geil states at column 1, lines 60-65 that retrofitting a locking system with a transmitter and transponder is simple means and at column 2, lines 4-6 that a damping mechanism provides a mean for lag time for automatic interrogation.

In regard to claim 2, Takata in view of Geil, Takata teaches the mechanical door handle switch assembly wherein said door handle is movable within a predetermined travel distance, said door handle actuating said drive train mechanism and closing said switch device when said door handle is moved a substantially small portion of said predetermined travel distance.

In regard to claims 3, Takata in view of Geil, Takata teaches the mechanical door handle switch assembly wherein said door handle is movable within a predetermined travel distance, said predetermined travel distance including a switch-triggering distance (O-A) and an unlatching distance that is greater than and inclusive of said switch-triggering distance (A-B), said door handle being moved by said switch-triggering distance for actuating said switch device, said door handle being moved by said unlatching distance for unlatching the door.

In regard to claims 4, Takata in view of Geil, Takata teaches the mechanical door handle switch assembly wherein said door handle has a pull configuration for unlatching the door.

In regard to claims 8 and 18, Takata in view of Geil, Takata teaches the mechanical door handle switch assembly wherein said drive train mechanism is at least one of a gear mechanism, a cam mechanism, and a lever mechanism.

In regard to claims 9, Takata in view of Geil, Takata teaches the mechanical door handle switch assembly wherein said switch device position is biased to an open (i.e. the drive mechanism pushes the switch).

In regard to claim 12, Takata in view of Geil, Takata teaches the mechanical door handle switch assembly wherein said switch-triggering distance is substantially less than said unlatching distance.

In regard to claim 17, Takata in view of Geil, Takata teaches the mechanical door handle switch assembly wherein said door handle coupled to the door for actuation by a user, said door a predetermined distance handle being movable within including a switch-triggering distance (O-A) and an unlatching distance that is greater than and inclusive of said switch-triggering distance (A-B), said switch-triggering distance for triggering said switch device and said unlatching distance for providing access to the vehicle.

Claims 10, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takata in view of Geil as applied to claims 1, 12, 16 above, and further in view of Champ (2004/0256776). In regard to claim 10, 14 and 19, Takata in view of Geil teach the claimed mechanical door handle switch assembly but fail to teach the damping mechanism is a gas compression device.

Champ shows that it is known in the art to use a gas compression device as a damping device. It would have been obvious to one with ordinary skill in the art at the time of the invention to use as a gas compression device for Geil's dampening device as taught by Champ, since such a modification provides a frictionless damping means and increase durability of the damping means.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 8-10, 12-14, 16-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Schrode whose telephone number is (571)272-1647. The examiner can normally be reached on Mon-Fri 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ws
7/21/06


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER